

AMENDED IN SENATE JUNE 5, 2003
AMENDED IN ASSEMBLY APRIL 22, 2003
AMENDED IN ASSEMBLY APRIL 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 366

Introduced by Assembly Member Mullin

February 14, 2003

An act to amend Section 1522.02 of the Health and Safety Code, relating to care facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 366, as amended, Mullin. Child care: substitute employee registry.

Existing law authorizes the State Department of Social Services to adopt regulations to create substitute care facility employee registries for persons working at more than one facility licensed by the department, in order to permit these registries to submit fingerprint cards and child abuse index information for child care registries.

Existing law additionally authorizes the department to operate a substitute child care employee registry pilot program for the above purposes, pursuant to specified criteria, and to charge an administrative fee to participating registry facilities.

This bill, *instead*, would ~~specify that a child care worker employed by the substitute employee registry under the pilot program shall be registered with the registry, and not with an individual child care facility that temporarily employs the child care worker. The bill establish the~~

registry as an ongoing program, and would require the registry to submit fingerprint information and samples to, and obtain specified clearances from, the Department of Justice and the Federal Bureau of Investigation for child care workers who are associated with the registry.

The bill would require that each registry be provided a permanent facility number, and would also require that the child care worker be registered with the registry, and not with an individual child care facility that temporarily employs the child care worker. The bill would also require the registry to maintain all employee records for a child care worker it employs.

The bill would permit the department to limit the program to specified counties.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1522.02 of the Health and Safety Code
- 2 is amended to read:
- 3 1522.02. (a) The department may adopt regulations to create
- 4 substitute employee registries for persons working at more than
- 5 one facility licensed pursuant to this chapter, Chapter 3.01
- 6 (commencing with Section 1568.01), Chapter 3.2 (commencing
- 7 with Section 1569), Chapter 3.4 (commencing with Section
- 8 1569.70), Chapter 3.5 (commencing with Section 1596.90), or
- 9 Chapter 3.6 (commencing with Section 1597.30), in order to
- 10 permit these registries to submit fingerprint cards, and child abuse
- 11 index information for child care information and samples to, and
- 12 to obtain clearances from, the Department of Justice and the
- 13 Federal Bureau of Investigation for child care workers who are
- 14 associated with the registries so that these facilities have available
- 15 cleared care staff. The clearances from the Department of Justice
- 16 shall include clearances from its Criminal Index and Identification
- 17 (Cal-CII) system and Child Abuse Central Index.
- 18 (b) The department ~~may~~ shall operate a substitute child care
- 19 employee registry pilot program for the purposes of subdivision
- 20 (a) and may charge participating registry facilities an registries a

1 *reasonable* administrative fee. ~~The pilot program is program shall~~
2 *be* subject to all of the following:

3 (1) The ~~pilot~~ program shall be limited to screening employees
4 for facilities licensed as child care facilities.

5 (2) Registries ~~shall~~ may not hire any child care worker for
6 employment at a child care facility who requires an exemption
7 from the criminal background clearance requirements of law.

8 (3) The department shall only guarantee the authenticity of
9 criminal background and child abuse index information that
10 registries provide to child care facilities. Any other information
11 ~~provided by registries may be verified by child care facility~~
12 ~~operators. about a child care worker shall be verified by the~~
13 ~~registry and certified through a certificate issued by the registry.~~

14 (4) ~~A child care worker employed by the substitute employee~~
15 ~~registry. The department shall provide each registry with a~~
16 ~~permanent facility number. The child care worker shall be~~
17 ~~registered with the registry, and not with the individual child care~~
18 ~~facility that temporarily employs him or her. The substitute~~
19 ~~employee registry shall maintain all employee records for a child~~
20 ~~care worker employed by the registry.~~

21 (5) The department may limit the ~~operation of the pilot~~
22 ~~program to the Counties of Alameda, Contra Costa, Monterey, San~~
23 ~~Benito, Los Angeles, Orange, Sacramento, San Francisco, San~~
24 ~~Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, San Mateo,~~
25 ~~and Ventura. San Mateo, and Santa Clara.~~

26 SEC. 2. This act is an urgency statute necessary for the
27 immediate preservation of the public peace, health, or safety
28 within the meaning of Article IV of the Constitution and shall go
29 into immediate effect. The facts constituting the necessity are:

30 In order to expedite criminal background checks so as to enable
31 temporary child care employees to fill emergency vacancies in
32 child care facilities as soon as possible, it is necessary that this act
33 take effect immediately.

